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COLBERT, ELLA				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/820,803

**Applicant(s)**

GANESAN ET AL.

**Examiner**

Ella Colbert

**Art Unit**

3696

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,12-15,24,25,35-38 and 56-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,12-15,24,25,35-38 and 56-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1, 2, 12-15, 24, 25, 35-38, and 56-76 are pending . Claims 1, 14, 24, 37, and 56 have been amended and claims 57-76 have been added in this communication filed 5/22/08 entered as Response After-Non-Final Action and Request for Extension of Time.
2. The claim objection for claim 1 has been overcome by Applicants' amendment to claim 1 and is hereby withdrawn.

### ***Drawings***

The drawings are objected to because Fig. 1 does not have enough margin on the left side of the drawing figure because the application number is stamped through a portion of the drawing; Fig. 6 recites "Please a payee from the following list:". This line should recite "Please select a payee from the following list:".; Fig. 7 has an illegible reference element to the "Unique Identifier" and the reference element is too close to the edge of the drawing figure; Fig. 8 has the reference element "800" too close to the top margin of the drawing figure; Fig. 9 has reference element "1170" outside of the right margin of the drawing figure; Fig. 11 has a similar problem with reference element "1190" as in Fig. 9; and Fig. 13 has a similar problem with reference element "1170" as in Fig's 9 and 11. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The

figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The Specification is objected to because of the following informalities: Page 5, line 21 recites "a web portal site, ..., a brick-and-mortar". This line should recite "a portal site, ..., a brick-and –mortar". Page 24, line 24 is not double spaced between this line and line 25. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 12, 15, 24, 38, 56-62, 64-72, and 74-76 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to

enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim1 recites "setting a payer status ... first payer status ..., ...; ... payer status ... set to the first payer status; ... payer status ... set to the first payer status, ... first set of payees" is not found in Applicants' specification. Claims 12, 15, 24, 38, 56-62, 64-72, and 74-76 have a similar problem with the recitations in the claims containing a lack of support not found in the specification and the drawings. Claims 2, 12-15, 25, 35-38, and 57-76 are also rejected because of their dependency fro a rejected claim.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 24, 56, 60, 61, 66, 70, 71, 74, and 76 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 as amended is very confusing regarding the setting of the payer statuses and the determining what the payer status is set to. The claim limitations of claim 1 could be more clearly written. Claims 24, 56, 60, 61, 66, 70, 71, 74, and 76 have a similar problem. In fact the metes and bounds of the claims cannot be determined.

Claims 2, 12-15, 25, 35-38, and 57-76 are also rejected for their dependency from a rejected claim.

"An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed ...". *In re Zletz* 13 USPQ2d 1320 (Fed. Cir. 1989).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 24, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 7,194,437) Britto et al, hereafter Britto in view of (US 6,311,170) Embrey.

Claims 1, 24, and 56. Britto discloses, A method comprising: receiving information, via a network, identifying a network user (col. 5, lines 33-54, col. 6, lines 3-12, and col. 7, lines 24-38); determining a credit risk associated with making, payments on behalf of the network user (col. 6, lines 13-50 and col. 7, lines 39-59). Britto failed to disclose, setting a payer status associated with the network user to one of a first payer status and a second payor status based at least in part on the determined credit risk, wherein the first payer status is associated with a first set of payees and the second payer status is associated with a second set of payees, and wherein the first set of payees is different than the second set of payees. Embrey discloses, setting a payer status associated with the network user to one of a first payer status and a second payor status based at

least in part on the determined credit risk, wherein the first payer status is associated with a first set of payees and the second payer status is associated with a second set of payees, and wherein the first set of payees is different than the second set of payees (col. 8, lines 6-59 and col. 9, lines 1-40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Britto with the teachings of Embrey because such a modification would allow Britto to reduce the operating and administrative costs for accounting and disbursement activities. Britto further discloses, determining that the payer status is set to the first payer status (col. 6, lines 51-67 and col. 7, line 60-col. 8, line 4).

Britto failed to disclose, transmitting, subsequent to determining that the payer status is set to the first payer status, a payment screen, wherein the payment screen only allows payment to one of the payees of the first set of payees. Embrey further discloses, subsequent to determining that the payer status is set to the first payer status, a payment screen, wherein the payment screen only allows payment to one of the payees of the first set of payees (col. 11, line 5—col. 14, line 25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Britto with the teachings of Embrey because such a modification would allow Britto to greatly streamline and consolidate payment activities and provide highly organized and consolidated information to the plurality of payees.

Claim 24, Britto further discloses, a communications port configured to receive and transmit information via a network (col. 1, lines 22-27); a memory (col. 4, lines 4-10); and a processor in communication with the communications port and the memory (col.

4, lines 40-59). This independent claim is rejected for the similar rationale as given above for claim 1.

Claims 2 and 25. Britto discloses, wherein the information identifying the network user is received from a sponsor of the network user (col. 7, lines 47-59).

Claims 12 and 35. Britto discloses, wherein the first plurality of payees is determined by a first entity other than the network user (col. 6, lines 13-67).

Claims 13 and 36. Britto discloses, wherein the first entity is a sponsor of the network user (col. 6, lines 3-12).

Claims 14 and 37. Britto discloses, wherein the entity is processing agent (col. 5, lines 55-65).

Claims 15 and 38. Britto discloses, wherein setting the payer status associated with the network user to one of the first payer status and the second payer status is based at least in part upon the identity of the a sponsor of the network user (col. 6, lines 13-67).

Claims 57 and 67. Britto failed to disclose, wherein the second set of payees includes the first set of payees. Embrey discloses, wherein the second set of payees includes the first set of payees (col. 11, lines 5-41). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Britto with the teachings of Embrey because such a modification would allow Embrey to eliminate the duplication of effort and expenses inherent in the uncoordinated operation of the payor' accounting and disbursement systems.

Claims 58 and 68. Britto failed to disclose, wherein the second set of payees includes one of (i) a closed set of payees larger than the first set of payees or (ii) an open set of



payees. Embrey discloses, wherein the second set of payees includes one of (i) a closed set of payees larger than the first set of payees or (ii) an open set of payees (col. 12, lines 14-34 and lines 52-67, and col. 14, lines 26-57). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Britto with the teachings of Embrey because such a modification would allow Embrey to increase efficiency and decrease cost without introducing any increased business risk. Claims 59, 62, 69, and 72. Britto failed to disclose, further comprising: setting the payer status to the second payer status prior to determining the credit risk and during a real-time communication session with the network user, wherein the payer status is set to the first payer status outside a real-time communication session with the network user. Embrey discloses, further comprising: setting the payer status to the second payer status prior to determining the credit risk and during a real-time communication session with the network user, wherein the payer status is set to the first payer status outside a real-time communication session with the network user (col. 15, lines 4-17 and col. 15, line 18-col. 16, line 42). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Britto with the teachings of Embrey because such a modification would allow Embrey to have the security of a payment system by minimizing the opportunity for alteration of any negotiable instruments.

Claims 60 and 70. Britto and Embrey failed to disclose, wherein determining a credit risk comprises determining a first credit risk, and further comprising: determining, subsequent to setting the payer status, a second credit risk associated with making

payments on behalf of the network user; and changing the payer status to the other of the first payer status and the second payer status based at least in part on the determined second credit risk. It would have been obvious to one having ordinary skill in the art at the time the invention was made to determine a credit risk that includes a first credit risk and determine subsequent to setting the payer status to a second credit risk associated with making payments on behalf of the network user; and changing the payer status to the first payer status and the second payer status based at least in part on the determined second credit risk because this would result in the increase in security of the payment system by minimizing the opportunity for alteration of the negotiable instruments and according to the credit risk being low the status should be set to the first payment status and if the credit risk is high the payment status should be set to the second payment status in order to reduce the credit risk of the payee.

Claims 61 and 71. Britto discloses, wherein a payee is included in the first set of payees as a result of (i) an agreement between the payee and a processing agent transmitting the payment screen, (ii) an agreement between a sponsor associated with the network user and a processing agent transmitting the payment screen, or (ii) an analysis of a history of payments directed to the payee (col. 6, lines 13-33).

Claims 62 and 72. Britto failed to disclose, further comprising: changing the payer status from the first payer status to the second payer status. Embrey discloses, further comprising: changing the payer status from the first payer status to the second payer status (col. 15, lines 4-17). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Britto with the teachings of Embrey

because such a modification would allow Britto to change the payment status according to the increased risk of the user and to achieve efficient operation and streamline the costs for accounting and disbursement activities.

Claims 63 and 73. Britto discloses, further comprising: notifying the network user of the change in payer status (col. 7, line 39-col. 8, line 25).

Claims 64 and 74. Britto and Embrey failed to disclose, further comprising: receiving a request from the network user to upgrade from the first payer status to the second payer status, wherein the payer status is changed from the first payer status to the second payer status responsive to the received request. It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive a request from the network user to upgrade from the first payer status to the second payer status, wherein the payer status is changed from the first payer status to the second payer status responsive to the received request because this would allow for a more cost efficient and economical operating procedure.

Claims 65 and 75. Britto discloses, further comprising: storing payment history associated with the network user, wherein the payer status is changed from the first payer status to the second payer status based on the stored payment history (col. 6, lines 13-33).

Claims 66 and 76. Britto and Embrey failed to disclose, wherein changing the payer status from the first payer status to the second payer status based on the stored payment history includes at least one of (i) determining a length of time the network user has been registered for payment processing, (ii) determining a number of

payments directed by the network user, (iii) determining a number of payments directed by the network user for which a debit was not honored, or (iv) determining a function relating a number of payments directed by the network user for which a debit was not honored to a total number of payments directed by the network user. It would have been obvious to one having ordinary skill in the art at the time the invention was made to determine a length of time the network user has been registered for payment processing, (ii) determine a number of payments directed by the network user, (iii) determine a number of payments directed by the network user for which a debit was not honored, or (iv) determine a function relating a number of payments directed by the network user for which a debit was not honored to a total number of payments directed by the network user because these steps would allow service provider to make payments on behalf to the payor to the payee in a manner which greatly reduces the operating and administrative costs for accounting and disbursement activities.

*Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the Applicant(s), in preparing the response, to consider fully the entire references as potentially teaching all of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the Examiner.*

***Response to Arguments***

Applicant's arguments filed 5/22/08 have been fully considered but they are moot in view of the new grounds of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kight et al (US 2004/0078329) disclosed electronic bill presentment and risk based payments.

Lamm (US 6,078,907) disclosed electronic presentment and paying bills.

Braun et al (US 4,321,672) disclosed financial data processing.

"EDIFY HIGHLIGHTS NCR SERVICE BUREAU'S SUCCESS WITH WINNING INTERNET BANKING SOLUTION" disclosed electronic banking and Internet banking solutions.

Kitchen et al (US 6,289,322) disclosed electronic bill processing.

Burfield et al (US 6,363,362) disclosed an electronic payment system.

Garrison et al (US 7,296,004) disclosed an electronic bill payment system.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### **Inquiries**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dixon Thomas can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/  
Primary Examiner, Art Unit 3696

November 10, 2008